

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:18CR695
)	
Plaintiff,)	JUDGE SARA LIOI
)	
v.)	
)	
JARON T. JACKSON,)	RESPONSE TO MOTION TO
)	WITHDRAW PLEA
Defendant.)	

Now comes the United States of America, by and through counsel, Justin E. Herdman, United States Attorney, and Christopher J. Joyce, Assistant United States Attorney, and hereby submits the following Response to the Defendant's Motion to Withdraw Plea.

In *Rehaif v. United States*, 139 S. Ct. 2191 (2019), the Supreme Court held that in a prosecution for possession of a firearm by a restricted person in violation of 18 U.S.C. 922(g)(1), the government must prove both that the defendant knew he possessed the firearm and that he knew he belonged to the relevant category of restricted persons. Shortly after the United Supreme Court reached its decision in *Rehaif*, the Department of Justice issued a policy to be followed by Federal Prosecutors in 922(g)(1) cases that were charged prior the *Rehaif* decision, but had not yet reached the sentencing phase of the case. The DOJ Policy makes clear that if a defendant moves to withdraw a guilty plea that did not include any accompanying admission as to the knowledge of status in the factual recitation or at the plea colloquy, the government is to acquiesce. Given that the defendant in this case pled guilty prior to the *Rehaif* decision and there

was no admission as to the knowledge of his status, the government does not oppose the defendant's Motion to Withdraw Plea.

For the reasons stated above, the government does not oppose the defendant's Motion to Withdraw his Plea as it relates to the arguments made pursuant to *United States v. Rehaif*. The government's lack of opposition however is not intended to demonstrate agreement with any of the other possible defenses included within the defendant's motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September 20, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Christopher J. Joyce

Christopher J. Joyce
Assistant U.S. Attorney